

To: Schwab, Justin[schwab.justin@epa.gov]
Cc: Zenick, Elliott[Zenick.Elliott@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]
From: Greenglass, Nora
Sent: Mon 5/22/2017 1:24:30 PM
Subject: RE: Utah reconsideration petitions
TX RH Order Granting Stay 5 15 16.pdf

The Fifth Circuit's order granting a stay of EPA's reasonable progress FIP for Texas is attached.

The Tenth Circuit case is *Oklahoma v. EPA*, in which the Court rejected petitioners' argument that EPA exceeded its statutory authority by rejecting the State's BART determinations and promulgating a FIP. 723 F.3d 1201, 1207–09.

From: Schwab, Justin
Sent: Monday, May 22, 2017 9:05 AM
To: Greenglass, Nora <Greenglass.Nora@epa.gov>
Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Utah reconsideration petitions

I'd also like to see the Fifth Circuit case cited in the petition(s?) for reconsideration, as well as the Tenth Circuit case that disagrees with it.

From: Greenglass, Nora
Sent: Monday, May 22, 2017 9:02 AM
To: Schwab, Justin <schwab.justin@epa.gov>
Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Utah reconsideration petitions

Hi Justin,

The proposed and final rules for the 2012 and 2016 Utah regional haze rulemakings are attached.

I'll coordinate with Gautam and Elliott to get something set up to discuss the reconsideration petitions/stay options.

Nora

From: Schwab, Justin
Sent: Saturday, May 20, 2017 11:10 AM
To: Greenglass, Nora <Greenglass.Nora@epa.gov>
Subject: Re: Utah reconsideration petitions

Thanks!

If I don't already have it can I also have the relevant FR publications here - especially proposed and final on the instant FIP but also the 2012 ones if it isn't too burdensome to get them.

I don't need these this weekend but I will need them Monday if possible.

As for meetings/calls:

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

At least the first internal discussion should
happen Monday if possible. Well also need
to bring Lorie Kevin and Sarah d up to speed if that hasn't already happened.

Have a good weekend!

Sent from my iPhone

On May 20, 2017, at 9:45 AM, Greenglass, Nora <Greenglass.Nora@epa.gov> wrote:

No problem—the RHR Revisions final rule is attached.

From: Schwab, Justin
Sent: Friday, May 19, 2017 6:37 PM
To: Greenglass, Nora <Greenglass.Nora@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Utah reconsideration petitions

Thanks! Can I also have the final RHR rule while we're at it (not strictly relevant to Utah's case, I know, but it'd be nice to have).

From: Greenglass, Nora
Sent: Friday, May 19, 2017 3:13 PM
To: Schwab, Justin <schwab.justin@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Utah reconsideration petitions

The three Utah regional haze reconsideration petitions are attached; we received petitions from PacifiCorp, Deseret, and Utah Municipal Power Systems. Utah submitted a petition for an administrative stay, but not a reconsideration petition.

The attached Word document pulls together bullets on these reconsideration petitions from a couple of different briefing papers. I'm also including a PDF of the proposed RHR Revisions, which PacifiCorp's petition references.

Nora Greenglass

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<RHR Revisions Final Jan 2017.pdf>